

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Criminal No. 1:10-cr-56-1

v.

ZVI GOFFER,

Defendant/Movant.

MOTION FOR EXTENSION OF TIME TO FILE MEMORANDUM

IN SUPPORT OF § 2255 MOTION

Comes now Defendant Zvi Goffer, through undersigned counsel, and moves this court for an extension of thirty (30) days to file his opening memorandum in support of his § 2255 motion. Defendant offers the following in support thereof:

Contemporaneously with the instant motion, Defendant submits his Motion to Vacate Sentence and Conviction Pursuant to 28 U.S.C. § 2255. The single ground raised within that motion is primarily based upon the Second Circuit decision in United States v. Newman, 2014 U.S. App. LEXIS 23190 (2nd Cir. December 10, 2014). As that case was decided one month ago, defendant did not have time to complete production of an opening memorandum in support of his 2255 motion.

Defendant's 2255 motion is timely filed and the government would not be prejudiced by the grant of the requested extension of time.

Defendant acknowledges the unique circumstances which give rise to the strategic decision to file a 2255 motion in advance of the

production of an opening memorandum in support. The factors which guide defendant's reasoning toward such decision include: (1) defendant has contemporaneously filed a Motion for Bail Pending Habeas Litigation which sets forth the pertinent arguments; (2) logically, said motion for bail could not be filed without a pending 2255 motion before this court; and, (3) Defendant anticipates his opening memorandum will make use of an affidavit from trial counsel, which is not yet available.

To the extent that this Court may be inclined to grant bail prior to review of the opening memorandum in support of the 2255 motion, the defendant's liberty interest guided the decision to present the bail motion at the earliest appropriate opportunity.

For the reasons cited above, this Court should grant Mr. Goffer thirty (30) days to file a memorandum in support of his 2255 motion.

Respectfully submitted,

s/Yale Klat
Yale Klat, Esquire
125 Maiden Lane, Suite 204
New York, NY 10038
Tel: (646) 481-6684
email: yaleklat@gmail.com
Attorney for Zvi Goffer

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Criminal No. 1:10-cr-56-1

v.

ZVI GOFFER,

Defendant/Movant.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify I am this date serving a copy of the Motion for Extension of Time to File Memorandum in Support of 2255 Motion in the captioned matter upon the following persons in the manner indicated below.

Service electronically through this court's Electronic Filing System to:

Richard C. Tarlowe, Assistant U.S. Attorney

Respectfully submitted,

January 21, 2015
Date

s/Yale Klat
Yale Klat, Esquire
125 Maiden Lane, Suite 204
New York, NY 10038
Tel: (646) 481-6684
email: yaleklat@gmail.com
Attorney for Zvi Goffer